

REMARKS

Independent claim 8 has been canceled. New independent claim 24 has been added. Claims 1-7 and 9-24 are now pending. No fee for extra claims is required.

In the Office Action, claims 1-23 were rejected under 35 U.S.C. § 102(a) as being anticipated by Babula et al. (US 2002/0004798 A1). As applied to canceled claim 8, this ground of rejection is now moot. As applied to Claims 1-7 and 9-23, the Applicants traverse this ground of rejection for the following reasons.

Section 102(a) states that a person is not entitled to a patent if "the invention was . . . described in a printed publication in this . . . country, before the invention thereof by the applicant for a patent." The Babula patent application was published on January 10, 2002, but this is not prior to the date of the Applicants' invention.

As stated in the Rule 131 Declaration submitted herewith, the subject matter of claims 1-23 of the instant application was conceived no later than December 4, 2001, which was the date on which the Declaration of Inventorship for the instant patent application was executed by both inventors. The execution date for the Declaration of Inventorship for the instant application predates the publication date, i.e., January 10, 2002, of the Babula patent application. The Rule 131 Declaration also states that the subject matter recited in at least claims 1, 7, 9, 12, 15, 18

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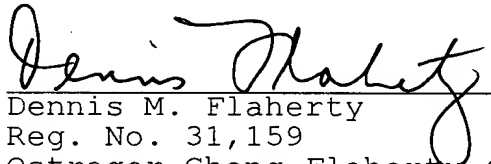
and 20 was conceived no later than April 9, 2001, as evidenced by a copy of an Invention Disclosure Form annexed as Exhibit A to the Rule 131 Declaration. The execution date for the Invention Disclosure Form also predates the Babula publication date.

Since the Applicants' invention date predates the Babula publication date, the Applicants respectfully submit that Babula no longer qualifies as prior art under Section 102(a). Accordingly, it is believed that the anticipation rejection based on Babula should be withdrawn.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-7 and 9-24 are hereby requested.

Respectfully submitted,

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Date

  
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

May 18, 2005

  
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